

MINUTES
BOARD OF ADJUSTMENT
PUBLIC HEARING
MAY 11, 2006

The Lake County Board of Adjustment met Thursday, May 11, 2006 in the Commission Chambers on the second floor of the Round Administration Building in Tavares, Florida to consider requests for variances and any other petitions that may be submitted in accordance with Chapter XIV of the Lake County Land Development Regulations.

Board Members Present:

Howard (Bob) Fox, Jr.
Henry Wolsmann, Vice Chairman
Ruth Gray
Mary Link Bennett
Donald Schreiner, Chairman
Carl Ludecke

Board Members Not Present:

Darren Eslinger

Staff Present:

Terrie Diesbourg, Director, Customer Services Division
Anita Greiner, Senior Planner, Customer Services Division
Anna Ely, Public Hearing Coordinator, Customer Services Division
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division
Melanie Marsh, Deputy County Attorney

Chairman Schreiner called the meeting to order at 1 p.m. He noted for the record that there was a quorum present. He confirmed Proof of Publication for each case as shown on the monitor.

TABLE OF CONTENTS

<u>CASE NO.</u>	<u>OWNER/ APPLICANT</u>	<u>AGENDA NO.</u>
Consideration of Minutes	April 13, 2006	
Scheduling of Special Meeting BOA#60-06-3	Woodlands Church Lake, L.L.C. American Land Lease, Inc. Robert Q. Williams, Esq./Williams, Smith & Summers, P.A.	
Agenda Change BOA#57-06-2	Laura (Bowman) Traniello	10
Withdrawals: BOA#41-06-5	Terry and Pamela K. Wireman/Terry Wireman	2
BOA#55-06-2	James and Karen Wasson	8
Discussion of Consent Agenda		
Consent Agenda Approval:		
BOA#46-06-5	Herman Lasater/Sharon Farrell, Land Use Associates	1
BOA#65-05-1	James C. and Patricia A. Borden	3
BOA#52-06-4	Patricia Langiotti and Angela Hinkle/Patricia Langiotti	5
BOA#53-06-5	Patrick R. and Susan M. Ward	6
BOA#58-06-3	Catherine Botts/Darren Gray	11
BOA#59-06-3	William & Cheryl Horvath/Michelle Maddy	12
Regular Agenda:		
BOA#51-06-4	Terry A. Ott	4
BOA#54-06-5	Dads for Boys International, Inc./John Pyle	7
BOA#56-06-1	Donald Sandargas/Brooks Weber	9
BOA#57-06-2	Laura (Bowman) Traniello	10
Discussion BOA#60-06-3	Woodlands Church Lake, L.L.C. American Land Lease, Inc. Robert Q. Williams, Esq./Williams, Smith & Summers, P.A.	
Elections	Chairman and Vice Chairman	

Minutes

MOTION by Mary Link Bennett, SECONDED by Henry Wolsmann to approve the April 13, 2006 Board of Adjustment Public Hearing minutes, as submitted.

FOR: Fox, Wolsmann, Gray, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger

MOTION CARRIED: 6-0

CASE NO.: BOA#60-06-3

APPLICANTS: Woodlands Church Lake, L.L.C.
American Land Lease, Inc.
Robert Q. Williams, Esq./Williams, Smith &
Summers, P.A.

When Chairman Schreiner asked if there were any changes to the agenda, Anita Greiner, Senior Planner, asked to move the rescheduling of the special meeting for the administrative appeal to the beginning of the agenda.

Melanie Marsh, Deputy County Attorney, stated that the County has had an administrative appeal filed to this Board. This Board sits as a variance board as well as an appellate board to review staff decisions and determinations. The appeal is expected to take about three hours for all the parties to present their evidence. The attorneys involved in the appeal have agreed to postpone the hearing of the appeal until June. She noted that the regular public hearing on June 8 will have 15 cases on the agenda, the majority of which will have staff recommendations of denial so it will probably be a long public hearing. Staff has confirmed the following alternative dates available for a public hearing on the appeal in the BCC Chambers: June 9 at 1 p.m., June 22 at 2:30 p.m. and June 23 at 1 p.m. She said the appeal can be heard at the regular public hearing on June 8, but it would be a very long day. The attorneys involved in the appeal would prefer June 9 so it could be heard as soon as possible.

MOTION by Mary Link Bennett, SECONDED by Ruth Gray to reschedule the public hearing for BOA#60-06-3 until June 9, 2006 at 1 p.m.

Ms. Marsh stated that the attorneys involved in this requested the postponement before the agenda was printed out, but it was after it was advertised. In response to Ms. Gray, Ms. Marsh said all the attorneys agreed to postpone it so they could prepare and possibly work out the issues. When Ms. Bennett asked if the attorneys failed to notify those present in the audience, Ms. Marsh said she believed they were notified. She added that Bob Williams, attorney for one of the parties, was present to answer any questions. .

FOR: Fox, Wolsmann, Gray, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger

MOTION CARRIED: 6-0

CASE NO.:

BOA#57-06-2

AGENDA NO.:

10

OWNER/APPLICANT:

Laura (Bowman) Traniello

Anita Greiner, Senior Planner, pointed out that the above case, BOA#57-06-2, has been moved to the regular agenda.

Chairman Schreiner stated that if a variance is approved at this public hearing, the owner/applicant should give staff at least 24 hours before proceeding to the zoning counter. He added that all letters, petitions, photographs, and other materials presented at this meeting by applicants and those in support or opposition must be submitted to staff prior to proceeding to the next case. He explained the procedure for hearing cases on the consent agenda.

CASE NO.: BOA#41-06-5
OWNERS: Terry and Pamela K. Wireman
APPLICANT: Terry Wireman

AGENDA NO.: 2

CASE NO.: BOA#55-06-2
OWNERS/APPLICANTS: James and Karen Wasson

AGENDA NO.: 8

MOTION by Mary Link Bennett, SECONDED by Carl Ludecke to accept the withdrawal of BOA#41-06-5 and BOA#55-06-2.

FOR: Fox, Wolsmann, Gray, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger

MOTION CARRIED: 6-0

Discussion of Consent Agenda

There was no one on the Board nor anyone in the audience who had an objection to the following cases remaining on the consent agenda: BOA#46-06-5, BOA#65-05-1, BOA#52-06-4, BOA#53-06-5, BOA#58-06-3 and BOA#59-06-3.

Mary Link Bennett asked that BOA#51-06-4 be removed from the consent agenda and placed on the regular agenda. BOA#54-06-5 and BOA#56-06-1 were removed from the consent agenda and placed on the regular agenda at the request of persons in the audience.

CASE NO.:	BOA#46-06-5	AGENDA NO.:	1
OWNER:	Herman Lasater		
APPLICANT:	Sharon Farrell, Land Use Associates		
CASE NO.:	BOA#65-05-1	AGENDA NO.:	3
OWNERS/APPLICANTS:	James C. and Patricia A. Borden		
CASE NO.:	BOA#52-06-4	AGENDA NO.:	5
OWNERS:	Patricia Langiotti and Angela Hinkle		
APPLICANT:	Patricia Langiotti		
CASE NO.:	BOA#53-06-5	AGENDA NO.:	6
OWNERS/APPLICANTS:	Patrick R. and Susan M. Ward		
CASE NO.:	BOA#58-06-3	AGENDA NO.:	11
OWNER:	Catherine Botts		
APPLICANT:	Darren Gray		
CASE NO.:	BOA#59-06-3	AGENDA NO.:	12
OWNERS:	William and Cheryl Horvath		
APPLICANT:	Michelle Maddy		

MOTION by Ruth Gray, SECONDED by Mary Link Bennett to take the following actions on the above consent agenda:

BOA#46-06-5	Approval with conditions
BOA#65-05-1	Approval with conditions
BOA#52-06-4	Approval with conditions
BOA#53-06-5	Approval with conditions
BOA#58-06-3	Approval with one condition
BOA#59-06-3	Approval with conditions

FOR: Fox, Wolsmann, Gray, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger

MOTION CARRIED: 6-0

CASE NO.: BOA#51-06-4**AGENDA NO.: 4****OWNER/APPLICANT: Terry A. Ott**

Anita Greiner, Senior Planner, presented the case and staff recommendation of approval with conditions. She showed the aerial from the staff report on the monitor.

Mary Link Bennett asked about inspections by the Health Department. She also questioned the type of baked goods that would be produced.

Terry A. Ott was present to represent the case. She said her operation has already been visited and/or inspected by the Health Department and others. The Board of County Commissioners (BCC) has allowed her to operate at this property until she could obtain a variance. The operation is up to Code at this time. She and her sister had opened a bakery in Umatilla; but it is now closed, and they have moved the operation to this property. They would be baking items such as breads, cookies, and cakes.

There was no one in the audience who wished to speak.

MOTION by Bob Fox, SECONDED by Mary Link Bennett to approve BOA#51-06-4 with the following conditions:

- 1. The owner must meet all requirements of the Land Development Regulations in regard to home occupations, excluding the processing of baked goods.**
- 2. There shall not be any business transactions occurring on the subject parcel.**
- 3. The owner shall not be allowed to install any commercial ovens in the dwelling unit or any structure on the subject parcel.**

FOR: Fox, Wolsmann, Gray, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger

MOTION CARRIED: 6-0

CASE NO.: BOA#54-06-5

AGENDA NO.: 7

OWNER: Dads for Boys International, Inc.
APPLICANT: John Pyle

Anita Greiner, Senior Planner, presented the case and staff recommendation of approval with conditions. She showed the aerial from the staff report on the monitor. She submitted a wetlands map as County Exhibit A and a flood map as County Exhibit B, noting that the ten-acre parcel would have some uplands and some areas out of the flood zone. She submitted a partial map of the area (County Exhibit C) showing the ten-acre parcel that would be created. Ruth Gray was informed by Ms. Greiner that the ten-acre parcel must go before the Zoning Board and Board of County Commissioners (BCC) in order to amend the CFD Ordinance and rezone the ten-acre parcel. Henry Wolsmann confirmed with Ms. Greiner that there are no structures on the ten acres at this time, but there are structures on the remaining acreage.

Lee Miller, adjacent property owner, wanted to ensure that the easement to be created would be capable of handling the traffic. There is a tremendous amount of traffic that accesses this property, especially on the weekends. He also noted that there is no bona fide survey available, and he would like to have one done. Ms. Greiner said a survey must be submitted as part of the minor lot split process. His property is at the northeast corner of the subject property. As long as the proper steps are followed as far as going before the Zoning Board and the easement is maintained, he said that "would be fine." He added that he would like to see the survey when it is done. Ms. Greiner said it would be public record once it is submitted for the minor lot split.

John Pyle was present to represent the case. He said a certified survey was submitted when the property was rezoned from Agriculture to CFD. The survey will be amended for the new legal description. They have been maintaining the easement for many years. They have only rural, rustic camping and generally there are no large groups. They maintain the property as a wildlife preserve.

When Carl Ludecke asked why they want to split the property, Mr. Pyle said they have been a nonprofit organization for 14 years. They have other missions in South America and Puerto Rico that they help to fund. They live on the property, and it has become financially difficult to pay the mortgages and other expenses each month. It would be beneficial to sell that small parcel of property and pay off all the mortgages and all the debt related to the program.

There was no one else in the audience who wished to speak on the case.

MOTION by Ruth Gray, SECONDED by Carl Ludecke to approve BOA#54-06-5 with the following conditions:

1. Prior to filing for the subject minor lot split, the owner must first obtain an amendment to the CFD Ordinance and rezone the subject ten-acre parcel.
2. The ten-acre parcel cannot be split further utilizing the minor lot split or family density exception processes.
3. The owner must record deed restrictions, which require the property owner and/or subsequent owners(s) to maintain the easement being created to access the ten-acre parcel. Such restrictions must be recorded prior to the recordation of the approved lot split.

FOR: Fox, Wolsmann, Gray, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger

MOTION CARRIED: 6-0

CASE NO.: BOA#56-06-1**AGENDA NO.: 9****OWNER: Don Sandargas**
APPLICANT: Brooks Weber

Anita Greiner, Senior Planner, presented the case and staff recommendation of approval with conditions. She showed the aerial and survey from the staff report on the monitor. She submitted a wetlands map as County Exhibit A and a flood map as County Exhibit B. She pointed out on the survey where the dwelling unit would be located.

The gentleman in the audience who asked that this case be removed from the consent agenda withdrew his request.

MOTION by Ruth Gray, SECONDED by Mary Link Bennett to approve BOA#56-06-1 with the following conditions:

1. The dwelling unit cannot be located closer to the Jurisdictional Wetland Line (JWL) than shown on the attached site plan (Exhibit A).
2. The storm water plan must be constructed as indicated on the plans that were submitted and must be inspected by the Lake County Customer Services Division prior to a final inspection of the dwelling unit by the Lake County Building Division.
3. The owner and subsequent owner(s) shall be required to maintain the storm water plan as approved.

FOR: Fox, Wolsmann, Gray, Bennett, Schreiner, Ludecke**AGAINST: None****NOT PRESENT: Eslinger****MOTION CARRIED: 6-0**

CASE NO.:

BOA#57-06-2

AGENDA NO.:

10

OWNER/APPLICANT:

Laura (Bowman) Traniello

Anita Greiner, Senior Planner, presented the case and staff recommendation of approval with conditions. She showed the aerial and site plan from the staff report on the monitor. Regarding Condition 2 on Page 4 of the staff report, Ms. Greiner said the owner has requested a change. She is proposing to place the garage closer to the side property line; a five-foot setback is allowed in this zoning district. When Carl Ludecke asked why a vegetative buffer is not being required on the west side of the property by the proposed detached garage, Ms. Greiner said there is already a wooded buffer in that location.

In response to Ruth Gray, Ms. Greiner said that once the dwelling unit is constructed, the carport and storage shed would be allowed. If they are removed from the property, once the dwelling unit is built, the structures could be put back on the property. Henry Wolsmann was informed that the carport and storage shed do not have to be architecturally similar to the dwelling unit. There is no such requirement for structures placed behind a house.

Ms. Greiner was agreeable to a condition suggested by Carl Ludecke for a time limit as to when a building permit must be obtained for the single-family dwelling unit. If that time period is not met, Mr. Ludecke felt Code Enforcement should cite the owner for removal of the carport and storage shed. She added that Code Enforcement has already cited the owners for having the structures there without a building permit as well as the debris and cement blocks.

Mary Link Bennett confirmed that the owner would be charged double the permitting fee for failure to obtain a building permit for the carport and storage unit.

Ms. Greiner noted that three letters of opposition had been received. She submitted a map (County Exhibit A) showing the subject properties and the properties of the writers of the letters of opposition.

Chris and Laura Traniello were present to represent the case. Ms. Traniello said she has submitted plans for a building permit for the single-family dwelling unit, which should be approved in the very near future. They want to start building the house as soon as possible. The carport and storage container are temporary until the house is constructed. The carport currently holds two boats. They plan to build a boat dock in the future and the boats will be kept there. Mr. Traniello added that they want to set the garage five feet back so it will not be in the view of their other neighbors. There is a tree line around three sides of the garage; he did not have a problem with the additional required buffer. Ms. Traniello said that originally they thought a 25-foot setback was required for the garage.

In response to Carl Ludecke, Mr. Traniello said the storage unit is used to store building supplies. Once the garage is built, the supplies will be kept in there.

Pat Cornell stated that she had written a letter of opposition. She added that these storage facilities were put on this property more than a year ago. She felt a clear definitive deadline should be set because there has been a lot of abuse.

MOTION by Carl Ludecke, SECONDED by Mary Link Bennett to approve BOA#57-06-2 with the following conditions:

1. The detached garage must be constructed in the same architectural style as the dwelling unit, must use the same roofing material and color, and the exterior of the detached garage must be of the same material and colors as the dwelling unit.
2. The detached garage shall be located five feet from the west property line.
3. If the permit for the single-family dwelling unit and detached garage is not obtained within 30 days of today's date, the storage unit and the metal carport must be removed permanently. Should the permit be issued within thirty days and the

CASE NO.: BOA#57-06-2 AGENDA NO.: 10
OWNER/APPLICANT: Laura (Bowman) Traniello PAGE NO.: 2

single-family dwelling unit and detached garage are constructed, the storage unit and carport must be removed no later than 10 days after the issuance of the Certificate of Occupancy.

4. The owner must plant a treed buffer along the east property line in front of the detached garage. The buffer shall consist of trees listed as recommended landscaping trees in the Lake County Land Development Regulations (LDRs) 9.01.10.B. The trees shall be at least 15 gallons in size and located 15 feet apart.
5. The detached garage must be inspected by the Customer Services Division for compliance with the conditions set forth by the Board of Adjustment prior to a final inspection of the garage by the Lake County Building Division.
6. An after-the-fact permit(s) must be obtained for the storage unit and carport by June 11, 2006. The owner will be charged double the normal permitting fee. A final inspection of the storage unit and carport must be obtained by July 11, 2006. If the permit or final inspection is not obtained by the dates specified, the carport and/or storage unit must be removed from the parcel immediately.

If the storage unit and carport are allowed on the property once the house is built, Ms. Greiner questioned whether a condition could be imposed requiring their removal within ten days of the issuance of the Certificate of Occupancy. Melanie Marsh, Deputy County Attorney, stated that conditions must help the variance meet the intent of the Code. She asked if that condition would help the variance meet the intent of the Code. That would be a decision for this Board to make.

In response to Mr. Traniello, Ms. Greiner said that once the house is built, a carport and storage unit in the rear of the house would be allowed as long as the setbacks and other Building Code requirements are met. Ms. Traniello said that although they do plan to remove the carport and storage unit once the house is built, she did not feel it is fair to require this within a certain time frame if those structures are allowed according to the Code. Mr. Ludecke reiterated that these structures were placed on the property without a permit. When Mr. Ludecke questioned whether the building permit was in process, Ms. Traniello said she could provide the permit number. He reiterated that he would like the carport and storage unit removed from the property within ten days of the issuance of the Certificate of Occupancy. If the owner desires a storage unit in the future, Mr. Ludecke said she could apply for a building permit for such a structure.

FOR: Fox, Wolsmann, Gray, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger

MOTION CARRIED: 6-0

CASE NO.: BOA#60-06-3

**APPLICANTS: Woodlands Church Lake, LLC
American Land Lease, Inc.
Robert Q. Williams, Esq./Williams, Smith &
Summers, P.A.**

When Ruth Gray asked if there were rules for this Board when it is acting as an appellate body, Melanie Marsh, Deputy County Attorney, stated that she would present those rules to this Board on June 9, 2006 before the hearing. She said she could not discuss the case with them because it is still quasi-judicial and must be discussed at the hearing.

Elections

MOTION by Mary Link Bennett, SECONDED by Ruth Gray to retain Donald Schreiner as Chairman and Henry Wolsmann as Vice Chairman for the coming year.

MOTION by Ruth Gray, SECONDED by Mary Link Bennett to close the nominations.

FOR: Fox, Wolsmann, Gray, Bennett, Schreiner, Ludecke

AGAINST: None

NOT PRESENT: Eslinger

MOTION CARRIED: 6-0

Adjournment

There being no further business, the meeting was adjourned at 2:15 p.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Donald Schreiner
Chairman